

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	
)	
Revision of the Commission's Rules)	
To Ensure Compatibility with)	CC Docket No. 94-102
Enhanced 911 Emergency)	RM-8143
Calling Systems)	

ORDER

Adopted: January 8, 1999; **Released:** January 11, 1999

By the Acting Chief, Wireless Telecommunications Bureau:

1. On December 30, 1998, the Commission adopted the *TTY Waiver Order*,¹ granting a temporary waiver² of Section 20.18(c) of the Commission's Rules³ (to the extent that section relates to the transmission of 911 calls made from TTY devices using digital wireless systems) to all parties who had filed petitions seeking waiver of that rule.⁴ The temporary waiver applied to all parties filing petitions as of the adoption date of the *TTY Waiver Order* (i.e., December 30, 1998) and all such parties were identified in the Appendix of the Order.⁵

¹ **Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Order, FCC 98-345, released Dec. 31, 1998 (*TTY Waiver Order*).**

² **The waivers were granted by the Commission on a temporary basis, until its "subsequent disposition (on the merits) of the individual waiver petitions filed by each . . . party." //** at para. 5.

³ **47 C.F.R. § 20.18(c).**

⁴ **Any carrier subject to the requirements of Section 20.18(c) must be in compliance with the rule as of January 1, 1999.**

⁵ **See *TTY Waiver Order*, Appendix.**

2. On December 31, 1998 — the day after the adoption of the *TTY Waiver Order* — a petition for waiver was filed by Price Communications Wireless, Inc. (Price). Although the petition was filed before January 1, 1999 (the date by which carriers were required to be in compliance with Section 20.18(c) for digital wireless systems), the petition cannot be construed as having been granted by the *TTY Waiver Order*, under a strict reading of that Order,⁶ because the petition was filed *after* the adoption date of the Order.

3. We have concluded, however, that, in the unique circumstances presented by this case, the public interest will best be served by our granting the Price petition on a temporary basis. We believe that the circumstances are made unique principally by the fact that the waivers provided by the Commission in the *TTY Waiver Order* were *temporary* waivers and did not dispose of the petitions on the merits. Such waivers will not be permanent, but will remain in effect only until such time as is needed for the Commission to evaluate them and determine whether individual, permanent waivers are warranted.⁷ We therefore believe that the public interest will not be harmed by our granting the same temporary waiver of Section 20.18(c) to Price that was granted to the parties identified in the *TTY Waiver Order*. We reach this conclusion in part because, if the Commission subsequently determines that Price has failed to provide meritorious reasons for waiving the requirements of Section 20.18(c) in its case, then the Commission can deny a permanent waiver to Price on that basis.

4. Accordingly, IT IS ORDERED that the petition for waiver of Section 20.18(c) of the Commission's Rules filed by Price Communications Wireless, Inc., on December 31, 1998, IS GRANTED, subject to the terms and conditions indicated in the *TTY Waiver Order*, which was adopted by the Commission on December 30, 1998.⁸

5. This action is taken pursuant to delegated authority of the Wireless Telecommunications Bureau under Section 0.331 of the Commission's Rules.⁹

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⁶ *See id.* at para. 4.

⁷ *See id.* at paras. 3, 5.

⁸ *See id.* at paras. 4-7.

⁹ 47 C.F.R. § 0.331.

Gerald P. Vaughan
Acting Chief, Wireless Telecommunications Bureau